

# **EXHIBIT 11**

34602  
DO

SERVICE DATE - APRIL 12, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-854X

ALLEGHENY & EASTERN RAILROAD, INC.-ABANDONMENT EXEMPTION-IN ELK  
AND CAMERON COUNTIES, PA

Decided: April 8, 2004

Allegheny & Eastern Railroad, Inc. (A&E), filed a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments to abandon a 18.9-mile line of railroad extending between milepost 131, near St. Marys, in Elk County, and milepost 149.9, southeast of Emporium, in Cameron County, PA. Notice of the exemption was served and published in the Federal Register on September 30, 2003 (68 FR 56377-78). The exemption was scheduled to become effective on October 31, 2003.

By decision and notice of interim trail use or abandonment (NITU) served on October 30, 2003, the proceeding was reopened and the exemption was made subject to interim trail use/rail banking and public use conditions, and the conditions that A&E shall: (1) consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers; (2) consult with the Pennsylvania Department of Environmental Protection concerning the salvage or retention of abandoned stream crossings; and (3) retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way until the completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. By decision served on December 1, 2003, the section 106 historic preservation condition was removed. The two other imposed conditions remain in effect. A 180-day period (until April 28, 2004) was authorized to permit public use negotiations and to permit the County of Cameron (Cameron County), in cooperation with the County of Elk (Elk County), to negotiate an interim trail use/rail banking agreement with A&E for the described line.

On March 24, 2004, Cameron County filed a request to extend the NITU negotiating period for an additional 180 days.<sup>1</sup> Cameron County states that it has had discussions with A&E but needs more time to finalize trail negotiations. In a response filed April 2, 2004, A&E concurs in the request to extend the negotiation period, but only for 90 days.

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<sup>1</sup> By letter dated March 25, 2004, and filed on April 6, 2004, Elk County supports the request for an extension.

STB Docket No. AB-854X

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d) (Trail Act).<sup>2</sup> See Rail Abandonments-Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987). Accordingly, the NITU negotiating period will be extended for an additional 90 days from April 28, 2004 (until July 27, 2004).

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The request to extend the NITU negotiating period is granted for a period of 90 days (until July 27, 2004).
2. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary

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<sup>2</sup> Trail use/rail banking is voluntary and can be implemented only if an abandoning railroad agrees to negotiate an agreement. See section 8(d) of the Trails Act. Therefore, the negotiating period may be extended only for the agreed term of 90 days.

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SERVICE DATE - JULY 22, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-854X

ALLEGHENY & EASTERN RAILROAD, INC.—ABANDONMENT EXEMPTION—IN ELK  
AND CAMERON COUNTIES, PA

Decided: July 21, 2004

Allegheny & Eastern Railroad, Inc. (A&E), filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 18.9-mile line of railroad extending between milepost 131, near St. Marys, in Elk County, and milepost 149.9, southeast of Emporium, in Cameron County, PA. Notice of the exemption was served and published in the Federal Register on September 30, 2003 (68 FR 56377-78). On October 30, 2003, a decision and notice of interim trail use or abandonment (NITU) was served, reopening the proceeding and authorizing a 180-day period for the County of Cameron (Cameron County), in cooperation with the County of Elk (Elk County), to negotiate an interim trail use/rail banking agreement with A&E for the described line. At the request of Cameron County and Elk County, the negotiating period was extended by decision served on April 12, 2004. The extension is scheduled to expire on July 27, 2004.

On July 12, 2004, and July 14, 2004, Elk County and Cameron County, respectively, filed requests to extend the NITU negotiating period for an additional 90 days, because they are unable to complete negotiations by July 27, 2004. In a response filed on July 20, 2004, A&E concurs in the request to extend the negotiating period.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987). Accordingly, the NITU negotiating period will be extended for an additional 90 days from July 27, 2004 (until October 25, 2004).

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The request to extend the NITU negotiating period is granted for a period of 90 days (until October 25, 2004).

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STB Docket No. AB-854X

2. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary

35189  
DO

SERVICE DATE - OCTOBER 25, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-854X

ALLEGHENY & EASTERN RAILROAD, INC.—ABANDONMENT EXEMPTION—IN ELK  
AND CAMERON COUNTIES, PA

Decided: October 22, 2004

Allegheny & Eastern Railroad, Inc. (A&E), filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon an 18.9-mile line of railroad extending between milepost 131, near St. Marys, in Elk County, and milepost 149.9, southeast of Emporium, in Cameron County, PA. Notice of the exemption was served and published in the Federal Register on September 30, 2003 (68 FR 56377-78). By decision and notice of interim trail use or abandonment (NITU) served October 30, 2004, the proceeding was reopened and the County of Cameron (Cameron County), in cooperation with the County of Elk (Elk County), was granted a 180-day period to negotiate an interim trail use/rail banking agreement with A&E for the described line, under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). At the request of Cameron County and Elk County, the negotiating period was extended by decisions served on April 12, 2004, and July 22, 2004. The latest extension is scheduled to expire on October 25, 2004.

On October 12, 2004, and October 18, 2004, Cameron County and Elk County, respectively, filed requests to extend the NITU negotiating period for an additional 180 days, because they are unable to complete negotiations by October 25, 2004. In a response received on October 20, 2004, A&E concurs in the request to extend the negotiating period.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the Trails Act.<sup>1</sup> Accordingly, the NITU negotiating period will be extended for an additional 180 days from October 25, 2004 (until April 23, 2005).

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

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<sup>1</sup> See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

STB Docket No. AB-854X

It is ordered:

1. The requests to extend the NITU negotiating period are granted and the negotiating period is extended for an additional 180 days (until April 23, 2005).
2. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary

35776  
DO

SERVICE DATE – APRIL 22, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-854X

ALLEGHENY AND EASTERN RAILROAD, INC.—ABANDONMENT EXEMPTION—IN  
ELK AND CAMERON COUNTIES, PA

Decided: April 21, 2005

Allegheny & Eastern Railroad, Inc. (A&E), filed a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments to abandon an 18.9-mile line of railroad extending between milepost 131, near St. Marys, in Elk County, and milepost 149.9, southeast of Emporium, in Cameron County, PA. Notice of the exemption was served and published in the Federal Register on September 30, 2003 (68 FR 56377-78). By decision and notice of interim trail use or abandonment (NITU) served October 30, 2003, the proceeding was reopened and the County of Cameron (Cameron County), in cooperation with the County of Elk (Elk County), was granted a 180-day period to negotiate an interim trail use/rail banking agreement with A&E for the described line, under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The negotiating period under the NITU was extended by decisions served on April 12, 2004, July 22, 2004, and October 25, 2004. The latest extension is scheduled to expire on April 23, 2005.

On April 11, 2005, Elk County filed a request to extend the NITU negotiating period for an additional 180 days. Elk County requests the additional time to continue negotiations. On April 18, 2005, Cameron County filed a request to extend the NITU negotiating period for an additional 90 days. In a response received on April 15, 2005, A&E concurs in the request to extend the negotiating period for an additional 180 days.<sup>1</sup>

Where, as here, the carrier is willing to continue trail use negotiations, the NITU negotiating period may be extended. An extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the Trails Act.<sup>2</sup> Accordingly, the NITU negotiating period will be extended for an additional 180 days from April 23, 2005 (until October 20, 2005), for Elk County to negotiate an agreement, and an additional 90 days from April 23, 2005 (until July 22, 2005), for Cameron County to negotiate an agreement.

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<sup>1</sup> A&E states that its response would also apply to any request filed by Cameron County.

<sup>2</sup> See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).



STB Docket No. AB-854X

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The requests to extend the NITU negotiating period are granted.
2. The negotiating period under the NITU is extended for 180 days until October 20, 2005, for Elk County to continue negotiations, and for 90 days until July 22, 2005, for Cameron County to continue negotiations.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary

36050  
DO

SERVICE DATE – LATE RELEASE JULY 22, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-854X

ALLEGHENY AND EASTERN RAILROAD, INC.—ABANDONMENT EXEMPTION—IN  
ELK AND CAMERON COUNTIES, PA

Decided: July 22, 2005

Allegheny & Eastern Railroad, Inc. (A&E), filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon an 18.9-mile line of railroad extending between milepost 131, near St. Marys, in Elk County, and milepost 149.9, southeast of Emporium, in Cameron County, PA. Notice of the exemption was served and published in the Federal Register on September 30, 2003 (68 FR 56377-78). By decision and notice of interim trail use or abandonment (NITU) served October 30, 2003, the proceeding was reopened and the County of Cameron (Cameron County), in cooperation with the County of Elk (Elk County), was granted a 180-day period to negotiate an interim trail use/rail banking agreement with A&E for the described line, under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The negotiating period under the NITU was extended by decisions served on April 12, 2004, July 22, 2004, October 25, 2004, and April 22, 2005. The latest extension for Cameron County is scheduled to expire on July 22, 2005, and the latest extension for Elk County is scheduled to expire on October 20, 2005.

On July 20, 2005, A&E filed a request to extend the NITU negotiating period for Cameron County until October 20, 2005, to coincide with Elk County's negotiating period. According to A&E, it is continuing to negotiate with both counties. A&E also states that Cameron County concurs in the request to extend the NITU negotiating period.

Where, as here, the carrier is willing to continue trail use negotiations, the NITU negotiating period may be extended. An extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the Trails Act.<sup>2</sup> Accordingly, the NITU negotiating period for Cameron County will be extended until October 20, 2005.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

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<sup>2</sup> See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

STB Docket No. AB-854X

It is ordered:

1. The request to extend Cameron County's NITU negotiating period is granted.
2. The NITU negotiating period for Cameron County is extended until October 20, 2005, to coincide with the negotiating period for Elk County.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary

36339  
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SERVICE DATE – LATE RELEASE OCTOBER 21, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-854X

ALLEGHENY AND EASTERN RAILROAD, INC.—ABANDONMENT EXEMPTION—IN  
ELK AND CAMERON COUNTIES, PA

Decided: October 21, 2005

Allegheny & Eastern Railroad, Inc. (A&E), filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon an 18.9-mile line of railroad extending between milepost 131, near St. Marys, in Elk County, and milepost 149.9, southeast of Emporium, in Cameron County, PA. Notice of the exemption was served and published in the Federal Register on September 30, 2003 (68 FR 56377-78).

By decision and notice of interim trail use or abandonment (NITU) served October 30, 2003, the proceeding was reopened and the County of Cameron (Cameron County), in cooperation with the County of Elk (Elk County), was granted a 180-day period to negotiate an interim trail use/rail banking agreement with A&E for the described line, under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The negotiating period under the NITU was extended by decisions served on April 12, 2004, July 22, 2004, October 25, 2004, April 22, 2005, and July 22, 2005. The latest extension for Elk and Cameron Counties expired on October 20, 2005.

On October 13, 2005, Elk County, in cooperation with Cameron County, filed a request for an additional 180-day extension of the negotiating period, until April 18, 2006. Elk County states that the parties are negotiating, but are not likely to reach an agreement by October 20, 2005. By letter received on October 14, 2005, A&E concurs in the request to extend the negotiating period.

Where, as here, the carrier has not consummated the abandonment at the end of the previously imposed negotiating period and is willing to continue trail use negotiations, the Board retains jurisdiction and the NITU negotiating period may be extended. Under the circumstances, further extension of the negotiating period is warranted. See Birt v. STB, 90 F.3d 580, 588-90 (D.C. Cir. 1996); Grantwood Village v. Missouri Pac. R.R. Co., 95 F.3d 654, 659 (8th Cir. 1996), cert. denied, 519 U.S. 1149 (1997). Because an extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the Trails Act, the requested extension will be granted. Accordingly, the NITU negotiating period will be extended for an additional 180 days from October 20, 2005, until April 18, 2006.

STB Docket No. AB-854X

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The request to extend the NITU negotiating period is granted.
2. The NITU negotiating period for Elk and Cameron Counties will be extended until April 18, 2006
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

Secretary

36957  
DO

SERVICE DATE – APRIL 21, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-854X

ALLEGHENY AND EASTERN RAILROAD, INC.—ABANDONMENT EXEMPTION—IN  
ELK AND CAMERON COUNTIES, PA

Decided: April 20, 2006

Allegheny & Eastern Railroad, Inc. (A&E), filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon an 18.9-mile line of railroad extending between milepost 131, near St. Marys, in Elk County, and milepost 149.9, southeast of Emporium, in Cameron County, PA. Notice of the exemption was served and published in the Federal Register on September 30, 2003 (68 FR 56377-78).

By decision and notice of interim trail use or abandonment (NITU) served October 30, 2003, the proceeding was reopened and the County of Cameron (Cameron County), in cooperation with the County of Elk (Elk County), was granted a 180-day period to negotiate an interim trail use/rail banking agreement with A&E for the right-of-way in this proceeding. The negotiating period under the NITU was extended several times, with the latest extension expiring on April 18, 2006.

On April 18, 2006, Elk County, in cooperation with Cameron County, filed a request for an additional 180-day extension of the negotiating period, until October 15, 2006. Elk County states that the parties are negotiating, but were unable to complete negotiations by April 18, 2006. A&E concurs in the request to extend the negotiating period.

Where, as here, the carrier has not consummated the abandonment at the end of the previously imposed negotiating period and is willing to continue trail use negotiations, the Board retains jurisdiction and the NITU negotiating period may be extended.<sup>1</sup> Under the circumstances, further extension of the negotiating period is warranted. See Birt v. STB, 90 F.3d 580, 588-90 (D.C. Cir. 1996); Grantwood Village v. Missouri Pac. R.R. Co., 95 F.3d 654, 659 (8th Cir. 1996), cert. denied, 519 U.S. 1149 (1997). Accordingly, the NITU negotiating period will be extended for an additional 180 days from April 18, 2006, until October 15, 2006.

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<sup>1</sup> See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

STB Docket No. AB-854X

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The request to extend the NITU negotiating period is granted.
2. The NITU negotiating period for Elk and Cameron Counties will be extended until October 15, 2006.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary

37426  
DO

SERVICE DATE – OCTOBER 13, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-854X

ALLEGHENY AND EASTERN RAILROAD, INC.—ABANDONMENT EXEMPTION—IN  
ELK AND CAMERON COUNTIES, PA

Decided: October 12, 2006

Allegheny & Eastern Railroad, Inc. (A&E), filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon an 18.9-mile line of railroad extending between milepost 131, near St. Marys, in Elk County, and milepost 149.9, southeast of Emporium, in Cameron County, PA. Notice of the exemption was served and published in the Federal Register on September 30, 2003 (68 FR 56377-78). By decision and notice of interim trail use or abandonment (NITU) served October 30, 2003, the proceeding was reopened and the County of Cameron (Cameron County), in cooperation with the County of Elk (Elk County), was granted a 180-day period to negotiate an interim trail use/rail banking agreement with A&E for the right-of-way in this proceeding. The negotiating period under the NITU was extended several times, with the latest extension expiring on October 15, 2006.

On October 10, 2006, Cameron County, in cooperation with Elk County, filed a request to extend the NITU negotiating period for an additional 90 days, because they would not be able to complete negotiations by October 15, 2006. A&E concurs in the request to extend the negotiating period.

Where, as here, the carrier is willing to continue trail use negotiations, the NITU negotiating period may be extended.<sup>1</sup> Under the circumstances, further extension of the negotiating period is warranted and will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the NITU negotiating period will be extended for 90 days from October 15, 2006, until January 13, 2007.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

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<sup>1</sup> See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).



STB Docket No. AB-854X

It is ordered:

1. The request to extend the NITU negotiating period is granted.
2. The NITU negotiating period for Elk and Cameron Counties will be extended until January 13, 2007.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary